COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**Use of Force - Category Three**
IAB FILE NUMBER:	**FO 2467041**
URN#:	**018-15359-2823-151**
DATE/TIME:	**October 24, 2018 / 1912 hours**
LOCATION:	**809 East Rosecrans Avenue, Compton**

SYNOPSIS

Compton Station deputies were involved in two foot pursuits of Suspect Angel Magdaleno, which concluded in a use of force during his arrest. The suspect sustained a left orbital floor fracture (left eye socket).

SUMMARY

While working as Unit 284D during PM shift on October 24, 2018 at 1913 hours, Deputy Cuevas (driver) and Deputy [redacted] (passenger) were in their patrol vehicle traveling east through an alley, north of Rosecrans Avenue and west of Chester Avenue, Compton.

When their patrol vehicle approached Chester Avenue, Deputies Cuevas and [redacted] saw the suspect (Angel Magdaleno) walking south on the west side of Chester Avenue, toward their patrol vehicle.

While seated in their patrol vehicle, Deputies Cuevas and [redacted] initiated a consensual encounter with the suspect and conversed with him. The suspect appeared nervous and would not make eye contact with the deputies.

Deputies Cuevas and [redacted] exited their patrol vehicle and asked the suspect if he was on parole or probation. The suspect immediately ran north on Chester Avenue, toward Kay Street, while holding his right waistband.

Deputies Cuevas and [redacted] initiated a foot pursuit of the suspect.

Deputy Cuevas broadcasted an emergent request for the Sheriff's Communication Center (SCC) to activate the duplex patch. Once the patch was activated by SCC, Deputy Cuevas broadcasted a "417" suspect ran east on Kay Street from Chester Avenue and attempted to climb fences (on Kay Street).

> IAB NOTE: **The duplex patch is activated by SCC dispatchers upon the broadcasted radio request of units involved in emergent incidents. Its activation enables all units monitoring the dispatch (or station frequency) to communicate with both the requesting unit and one another.**

> IAB NOTE: **The term, "417," is a radio code utilized by deputy personnel which means, "Person with a gun."**

Deputies Cuevas and [redacted] continued to follow the suspect, who then ran east on Kay Street. The suspect retrieved a black handgun from his right waistband, ran south and climbed the fence of the residence located at [redacted]. With their loss of visual contact of the suspect, the deputies terminated their foot pursuit as Deputy Cuevas broadcasted to responding units the suspect's last known location.

Deputy Cuevas immediately broadcasted his coordination for a containment of the suspect with responding units. As the containment was being established, Deputy [redacted] saw the suspect mid-block on Pearl Avenue, unsuccessfully attempting to enter an occupied vehicle, which fled south toward Rosecrans Avenue.

Deputy [redacted] then initiated a single-man foot pursuit of the suspect. and broadcasted he saw the suspect at "Rosecrans and Kay Street." Deputy Cuevas paralleled Deputy [redacted] route by running south on Chester Avenue toward Rosecrans Avenue. The suspect stopped running at the parking lot of Compton Liquor and Market, 809 E. Rosecrans Avenue, Compton.

Deputy [redacted] detained the suspect in the parking lot at gunpoint. Approximately five seconds later, Deputy Cuevas arrived to the parking lot from Rosecrans Avenue.

Deputies Cuevas and [redacted] gave the suspect commands to get on the ground. The suspect initially complied by going down onto his hands and knees. As the suspect maneuvered himself onto his stomach toward the ground, Deputies Cuevas and [redacted] approached to handcuff him.

Deputy Cuevas approached the suspect's left side and placed his hands on the suspect's shoulders. The suspect immediately attempted to get up by pushing

his hands against the ground. Deputies Cuevas and [redacted] shouted commands for the suspect to stop resisting.

The suspect leaned his body toward his right side, where Deputy [redacted] had previously seen a firearm. The suspect attempted to get up by pushing his hands against the ground. Fearing the suspect would retrieve a firearm, Deputy [redacted] positioned himself toward the suspect's right side and immediately used his right knee to strike the suspect's abdominal area twice.

The suspect refused to comply and attempted to push his body up from the ground while in a prone position. Fearing the suspect was attempting to retrieve a firearm, Deputy [redacted] delivered two additional knees strikes to the suspect's abdominal area.

The suspect flailed his arms and kicked his legs. Deputy [redacted] then delivered three more knees strikes to the suspect's abdominal area.

While positioned on the suspect's left, Deputy Cuevas also feared the suspect was attempting to retrieve a firearm, Deputy Cuevas used his left fist to punch the left side of the suspect's face approximately two or three times.

Deputy Cuevas' initial punches angered the suspect and did not appear to have an immediate effect. Fearing the uncompliant suspect might retrieve a firearm, Deputy Cuevas punched the right side of the suspect's face three to four more times with his right fist.

Deputy Cuevas broadcasted to responding units he was involved in a fight with the suspect at Pearl Avenue and Rosecrans Avenue. The suspect ignored their commands to stop fighting and continued to flail his arms and kick his legs.

As Deputies Garcia and [redacted] arrived on-scene. From a prone position, the suspect attempted to get back on his feet while reaching for his waistband. Deputy Garcia grabbed hold of the suspect's left arm as Deputy Garcia grabbed hold of his right arm. Deputy Garcia used his right fist to punch the suspect's face and head approximately two times. Deputy Garcia also utilized his right elbow to strike the suspect's shoulders one or two times and the back of the suspect's head one or two times.

The combined efforts of the aforementioned force tactics caused the suspect to stop his attempt to get up. However, he continued to kick his legs. When Deputies [redacted] and [redacted] arrived on-scene, they quickly grabbed hold of the suspect's legs.

Deputies [redacted] and [redacted] successfully handcuffed the suspect who resisted their efforts by thrashing his arms and moving them apart.

Deputy [redacted] applied a hobble restraint to the suspect's legs. Once handcuffed and hobbled, the suspect ultimately surrendered and became compliant.

Sergeant [redacted] arrived on-scene and assumed command of the incident. After ensuring there were no outstanding suspects and that all deputies were accounted for, Sergeant [redacted] ensured the suspect received medical treatment from responding medical personnel. He directed an article search for the suspect's firearm. Neither the firearm nor witnesses of the incident were located.

Sergeant [redacted] contacted the [redacted] of the [redacted] ([redacted]) who told him the video surveillance camera of the parking lot was inoperative.

The suspect was transported by Compton Fire/Rescue 421 to Lakewood Regional Medical Center, where he was treated by Physician Michael Perlman. Doctor Perlman diagnosed the suspect with a fresh, left orbital floor fracture (eye socket) which he stated was an injury consistent with the suspect's involvement in a fight with deputies. Doctor Perlman also stated the suspect had a pre-existing jaw fracture that was about one month old.

The suspect was booked for 29800(a)(1) PC, Felon in Possession of a Firearm and an outstanding "no bail" warrant for violating the terms of his post-release community supervision, 3455(b)(1) PC.

INVESTIGATION

Internal Affairs Bureau (IAB) investigators retrieved and reviewed reports, **EXHIBIT A**, written by personnel on-scene during the use of force and a disc, **EXHIBIT B**, containing digital audio files of emergent radio traffic broadcasted during the incident. This disc also contained the watch commander's, Sergeant John Rewald's, # [redacted] interview with the suspect.

The following were identified as being involved in the use of force: Deputies [redacted], Cuevas, Garcia, [redacted] [redacted] and [redacted]. The following witnesses were also identified: Deputy Rogelio and Sergeant [redacted]. All of the aforementioned personnel authored reports pertaining to the incident and were subsequently interviewed by IAB investigators.

IAB investigators digitally recorded their interview with the suspect on August 25, 2018, at the Century Regional Detention Facility (CRDF) and photographed his injuries. The interview video and photographs are submitted with this case **[EXHIBIT C]**.

IAB investigators canvassed the businesses and residents surrounding the incident location and were unable to locate video footage of the suspect or deputy personnel.

IAB investigators interviewed the suspect's attending physician, Doctor Michael Perlman, at Lakewood Regional Medical Center and obtained copies of suspect's medical documents **[EXHIBIT D]**.

A copy of the suspect's consolidated criminal history printout was obtained by IAB investigators and submitted with this case **[EXHIBIT E].**

During the involved personnel's subsequent interviews with IAB investigators, Google maps, **[EXHIBIT F]**, were utilized to depict the incident location at 809 E. Rosecrans Avenue, Compton.

INVOLVED EMPLOYEE AND WORK HISTORY

Edgar Cuevas, Deputy Sheriff, #[redacted]
Compton Station
Date of Employment: January 7, 2008
Date Assigned to Unit: [redacted]
Date of Patrol Training Completion:
Prior Founded Force Incidents: [redacted]

[redacted], Deputy Sheriff, #[redacted]
Compton Station
Date of Employment: June 23, 2008
Date Assigned to Unit: [redacted]
Date of Patrol Training Completion:
Prior Founded Force Incidents:

Miguel Garcia, Deputy Sheriff, #[redacted]
Compton Station
Date of Employment: June 28, 2006
Date Assigned to Unit: [redacted]
Date of Patrol Training Completion:
Prior Founded Force Incidents:

[redacted], Deputy Sheriff, #[redacted]
Compton Station
Date of Employment: August 21, 2014
Date Assigned to Unit: [redacted]
Date of Patrol Training Completion:
Prior Founded Force Incidents: [redacted]

[redacted] Deputy Sheriff, #[redacted]
Compton Station
Date of Employment: August 8, 2011
Date Assigned to Unit: [redacted]
Date of Patrol Training Completion: [redacted]
Prior Founded Force Incidents: [redacted]

[redacted] Deputy Sheriff, #[redacted]
Compton Station
Date of Employment: April 23, 2012
Date Assigned to Unit:  [redacted]
Date of Patrol Training Completion: [redacted]
Prior Founded Force Incidents: [redacted]

SUSPECT INFORMATION

Angel Sebatian Magdaleno	Male, Hispanic, DOB: October 6, 1995, 5'09", 150 pounds, Booking Number 5456447
Address:	[redacted]
Booking Charges:	29800(a)(1) PC, Felon in Possession of a Firearm
Criminal History:	CII #[redacted], MAIN #[redacted] FBI #[redacted]

Suspect Rivera's criminal history [redacted]

SUSPECT'S INJURIES

The suspect sustained several abrasions to the left side of his face and a left orbital floor fracture (eye socket).

DEPUTY PERSONNEL INJURIES

Deputy Garcia sustained soreness to his right hand.

PROPERTY DAMAGE

None.

LIGHTING AND WEATHER CONDITIONS

The incident occurred at night (clear skies) in a commercial area with street and parking lot lighting.

RADIO TRAFFIC

Internal Affairs Bureau Investigators reviewed SCC's radio traffic associated with the incident. When the first foot pursuit ensued, the incident was coordinated over the SCC Dispatch Channel 9 (duplex patch). The radio traffic is contained on one compact disc, **[EXHIBIT B]**. The following is a brief synopsis of those transmissions:

Dispatch Channel 9

19:10:57 Hours – 284D (Deputy Cuevas) requests the duplex patch.

19:11:00 Hours - The duplex patch is activated by SCC. Deputy Cuevas advises he has a "417" suspect running east on Kay Street from Chester Avenue, "hitting fences."

19:11:10 Hours – 284D (Deputy Cuevas) begins to coordinate a suspect containment with responding units and broadcasts a suspect description.

19:11:38 Hours – 285D advises he is one minute from arriving to the incident.

19:11:44 Hours – 284D (Deputy Cuevas) continues establishing a containment.

19:12:06 Hours – 284D (Deputy [redacted] advises he has an "obs" of the suspect again at Rosecrans Avenue and Kay Street.

19:12:15 Hours - 280S advises being enroute.

19:12:17 Hours – SCC inquires if Aero is on the frequency.

19:12:18 Hours – 284D (Deputy [redacted] advises he is detaining the "417" suspect at Rosecrans Avenue and Pearl Avenue.

19:12:22 Hours – SCC acknowledges Deputy [redacted] detention and requests him to provide the direction he is facing.

19:12:37 Hours – SCC requests Deputy [redacted] to provide the direction he is facing.

19:12:42 Hours – 284D advises "Deputy involved in a fight."

19:12:49 Hours - SCC asks 284D to "10-9" (repeat his last transmission); SCC inquires if he is detaining at gunpoint.

19:12:56 Hours – 284D re-advises "Deputy involved in a fight" at Rosecrans Avenue and Pearl Avenue.

19:13:12 Hours – SCC requests units one minute or less to respond to 284D; 284D re-advises "Deputy involved in a fight" at Rosecrans Avenue and Pearl Avenue.

19:13:24 Hours – 281D advises being one minute from arriving to incident.

19:13:40 Hours – 280S re-advises being enroute.

19:13:50 Hours – 285D advises "Code 6" (on-scene).

19:14:26 Hours – 280S advises "Code 6."

19:14:33 Hours – An unknown unit advises deputies are attempting to take the suspect into custody.

19:15:40 Hours – 280S advises the incident is "Code 4" (no further assistance needed) with one suspect in custody and all deputies are accounted for and uninjured.

19:16:12 Hours – SCC releases the duplex patch.

FORCE USED BY DEPUTY CUEVAS

Deputy Cuevas utilized control holds, punches, and resistive handcuffing.

FORCE USED BY DEPUTY [redacted]

Deputy [redacted] utilized control holds and knee strikes.

FORCE USED BY DEPUTY GARCIA

Deputy Garcia utilized knee strikes, punches, and control holds.

FORCE USED BY DEPUTY [redacted]

Deputy [redacted] utilized control holds.

FORCE USED BY DEPUTY [redacted]

Deputy [redacted] utilized control holds and applied a hobble restraint.

FORCE USED BY DEPUTY [redacted]

Deputy [redacted] utilized control holds.

CRIMINAL INVESTIGATORS AND CHARGES FILED

Compton Operation Safe Streets Detective [redacted] #[redacted] submitted the felony charge of 29800(a)(1) PC for a filing consideration to the Los Angeles County District Attorney's Office. The suspect was ultimately convicted of 148(a)(1) PC, Resisting a Peace Officer on November 1, 2018 and served 18 day in County jail **[MISCELLANEOUS DOCUMENTS]**.

STATEMENTS

The following narratives are intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interviews and verbatim transcriptions.

INVOLVED EMPLOYEE DEPUTY EDGAR CUEVAS

On April 4, 2019, Deputy Cuevas was interviewed by IAB Sergeants Steven Johnson and Robert Jones, #[redacted] He was interviewed with his representative, Attorney Mitchell Kander. The interview was conducted at the IAB Office in the city of Commerce.

Deputy Cuevas stated while working as Unit 284D during PM shift on October 24, 2018, he and his partner, Deputy [redacted] were driving east through an alleyway located north of Rosecrans Avenue, west of Chester Avenue. Deputy [redacted] rode as the passenger. The area they travelled through has a history of being wrought with high gang and narcotic activity.

Their vehicle approached the mouth of the alley at Chester Avenue, when Deputy Cuevas saw the suspect (approximately 10-15 feet away) walking south on Chester Avenue, toward their patrol vehicle. Deputy Cuevas engaged the suspect in a consensual encounter and asked him where he was going.

> **IAB NOTE: Deputy Cuevas viewed a Google maps of the area [EXHIBIT F], provided by IAB investigators, and utilized letters and symbols to indicate significant locations during the incident.**

The suspect stated he was going to his girlfriend's house who lived nearby. Deputy Cuevas then asked the suspect if he was parole or probation as he exited the patrol vehicle. The suspect responded, "I ain't got shit," and ran north on Chester Avenue toward Kay Street, while holding the right side of his waistband. **[CUEVAS INTERVIEW TRANSCRIPT 1 OF 2, Page 3]**. Deputies Cuevas and

[redacted] initiated a foot pursuit of the suspect. Deputy Cuevas saw the silhouette of what appeared to be the handle of a firearm near the suspect's right waistband.

Deputy Cuevas broadcasted an emergent radio request for SCC to activate the duplex patch but SCC did not acknowledge his request. After his second attempt, SCC activated the duplex patch at which time, Deputy Cuevas broadcasted his unit was in pursuit of a "417" suspect who ran north on Chester Avenue toward Kay Street. Deputy Cuevas then updated responding units of his unit's location.

From Chester Avenue, the suspect ran east on Kay Street, while retrieving a black firearm from his right waistband. Deputy Cuevas momentarily lost visual contact with the suspect as he ran past a van. **[CUEVAS INTERVIEW TRANSCRIPT 1 OF 2, Page 14]**. Deputy Cuevas next saw the suspect as he ran south, and climbed over the fence of the property at the [redacted] corner of Chester Avenue and Kay Street.

Since Deputy Cuevas lost visual contact of the suspect, he terminated the foot pursuit and immediately took a containment position at Chester Avenue and Kay Street. Deputy [redacted] held a containment position near Kay Street and Pearl Avenue, what he described as the length of two houses from where Deputy Cueva was positioned. Deputy Cuevas estimated the foot pursuit was 20 seconds in duration and approximately 40-50 feet in distance.

Deputy Cuevas began to broadcast coordination for a containment of the suspect, via the duplex patch with responding units. Deputy Cuevas then heard [redacted] broadcast that he was in a single-man foot pursuit of the suspect who appeared on Pearl Avenue.

As Deputy [redacted] ran south on Pearl Avenue, toward the suspect, Deputy Cuevas lost visual contact with Deputy [redacted]. Deputy Cuevas then paralleled his partner's route by running south on Chester Avenue to prevent the suspect from going toward Chester Avenue.

At the mouth of the east/west alley just north of Rosecrans Avenue and east of Chester Avenue, Deputy Cuevas saw the suspect run south on Pearl Avenue toward Rosecrans Avenue, followed by Deputy [redacted]. In an effort to contain the suspect's path, Deputy Cuevas continued to run south on Chester Avenue, then east on Rosecrans Avenue.

When Deputy Cuevas arrived to the parking lot at 809 East Rosecrans Avenue, he saw Deputy [redacted] detaining the suspect at gunpoint, facing northwest **[CUEVAS INTERVIEW TRANSCRIPT 1 OF 2, Page 19].** The suspect was on his knees, in the process of laying prone on the ground, facing northwest.

IAB NOTE: **Deputy Cuevas was unable to remember the types of cover available to him and Deputy [redacted] as they detained the suspect at gunpoint in the parking lot. Additionally, he stated, "I felt like we were out in the open," [CUEVAS INTERVIEW TRANSCRIPT 2 OF 2, Page 2].**

Deputies [redacted] and Cuevas gave commands for the suspect to lay on his stomach, face down on the ground. The suspect appeared compliant as he transitioned his body to lay completely on the ground. Deputies Cuevas and [redacted] approached the suspect to handcuff him.

IAB NOTE: **Deputy Cuevas told IAB investigators he approached the suspect with Deputy [redacted] because he did not want the suspect to stand up and produce a firearm [CUEVAS INTERVIEW TRANSCRIPT 1 OF 2, Page 20].**

The suspect moved his upper body toward his left. Deputy Cuevas grabbed hold of the suspect's shoulders with his hands in anticipation he might become resistive or combative.

Without warning, the suspect attempted to stand up in a "push up" manner with his left forearm while reaching toward his waistband with his right hand. Fearing the suspect would shoot him with a firearm, Deputy Cuevas positioned himself to the suspect's left side and used his left fist to punch the left side of the suspect's face two or three times **[CUEVAS INTERVIEW TRANSCRIPT 1 OF 2, Pages 3 and 23-27]**. The punches had little effect and seemed to only anger the suspect.

Additionally, Deputy Cuevas punched the right side of the suspect's face three or four times with his right fist.

Deputy Cuevas sensed the presence of Deputy [redacted] adjacent to him who was also engaged in the fight. Deputy [redacted] shouted commands for the suspect to stop fighting. Since his focus was drawn toward handcuffing the suspect, Deputy Cuevas did not see the actions of Deputy [redacted]

Deputies Cuevas and [redacted] struggled with the suspect for approximately one minute when Deputies [redacted] and Garcia arrived on-scene to assist. Despite The suspect's resistance, Deputy Cuevas successfully handcuffed his left wrist and assisted Deputies [redacted] and Garcia in handcuffing his right wrist.

Once handcuffed, the suspect ultimately surrendered and stopped resisting. An unknown deputy on-scene searched the suspect and did not locate a weapon on his person. Deputy Cuevas directed units on-scene to conduct an article

search for the suspect's firearm in the area he traveled prior to his arrest. A firearm was not recovered.

Deputy Cuevas reported the force he used and witnesses to the on-scene supervisor, Sergeant [redacted] Deputy Cuevas authored a supplemental report detailing his involvement and observations during the incident.

INVOLVED EMPLOYEE DEPUTY [redacted]

On April 8, 2019 and April 22, 2018, Deputy [redacted] was interviewed by IAB Sergeants Steven Johnson and Calvin Mah, #[redacted]. He was interviewed with his representative, Attorney Mitchell Kander. The interview was conducted at the IAB Office in the city of Commerce.

Deputy [redacted] stated while working as Unit 284D during PM shift on October 24, 2018, he and his partner, Deputy Cuevas were conducting patrol checks near the intersection of Rosecrans Boulevard and Chester Avenue. The area was known for high criminal gang activity. Deputy Cuevas drove their patrol vehicle and Deputy [redacted] rode as the passenger.

Deputy [redacted] saw the suspect, who was standing approximately ten feet north of their vehicle on the west side of Chester Avenue. While seated in their patrol vehicle, Deputy Cuevas began a consensual encounter with the suspect and asked if he was parole or probation. The suspect stated, "No," and that he, "Didn't have shit." [redacted] **INTERVIEW TRANSCRIPT 1 OF 3, Page 3]**. The suspect appeared nervous and immediately ran north on Chester Avenue, while holding the right side of his waistband.

Based on his training and experience, Deputy [redacted] formed the opinion the suspect most likely was in possession of a firearm. Deputies [redacted] and Cuevas exited their patrol vehicle and initiated a foot pursuit of the suspect. Deputy [redacted] heard Deputy Cuevas attempt to broadcast emergent radio traffic to SCC requesting the activation the duplex patch, via his handheld Sheriff's portable radio.

After a delay due to conflicting radio traffic from another incident, SCC met their request and opened the duplex patch. Deputy Cuevas broadcasted he and Deputy [redacted] were in a foot pursuit of a "417" suspect who ran north on Chester Avenue toward Kay Street.

As the suspect ran east on Kay Street from Chester Avenue, he retrieved a firearm from his right waist band. The suspect then ran south and climbed over the fence of residence near the [redacted] corner of Chester Avenue and Kay Street. Deputy [redacted] said he and Deputy Cuevas terminated their foot pursuit which lasted, "less than a minute," as they lost visual contact with the suspect [redacted] **INTERVIEW TRANSCRIPTS 1 OF 3, Page 12]**.

IAB NOTE: Deputy [redacted] viewed a Google maps of the area [EXHIBIT F], provided by IAB investigators, and utilized letters and symbols to indicate significant locations during the incident.

Deputy Cuevas established a containment of the area for the suspect via radio broadcasts to assisting units on the duplex patch. During the containment, Deputy Cuevas positioned himself at the corner of Chester Avenue and Kay Street. Deputy [redacted] held a containment position at the intersection of Kay Street and Pearl Avenue. The distance separating Deputy [redacted] from Deputy Cuevas approximated 15 feet [redacted] **INTERVIEW TRANSCRIPT 3 OF 3, Pages 2]**.

Moments later, Deputy [redacted] saw the suspect mid-block on Pearl Avenue, between Kay Street and Rosecrans Avenue, roughly 25 feet from his containment position. Deputy [redacted] saw the suspect unsuccessfully attempt to enter an occupied vehicle which immediately drove south and out of view. The suspect ran south on Pearl Avenue toward Rosecrans Avenue.

Deputy [redacted] initiated a single man foot pursuit of the suspect from Kay Street and Pearl Avenue and attempted to conduct an emergent radio broadcast of his actions and observations. However, he was unable to transmit due an existing radio broadcast.

As Deputy [redacted] followed the suspect, he momentarily lost visual contact with the suspect who ran past the cinderblock wall bordering the north end of the Compton Liquor and Market parking lot at 809 East Rosecrans Avenue [redacted] **INTERVIEW TRANSCRIPT 3 OF 3, Pages 8 and 9]**.

Deputy [redacted] advanced into the parking lot to pursue the suspect. Deputy [redacted] ran past the cinderblock wall and several vehicles into the parking lot to pursue the suspect. He could not remember how the vehicles were positioned in parking lot with the exception that they were, "Just south of the (cinderblock) wall," [redacted] **INTERVIEW TRANSCRIPT 3 OF 3, Pages 6 and 7]**.

IAB NOTE: Deputy [redacted] told IAB investigators he moved away from available cover because, "I wanted to make sure that I kept observations on him (the suspect) the entire time." Additionally Deputy [redacted] stated, "I wanted to make sure that—he wasn't going to further assault anyone else," [redacted] INTERVIEW TRANSCRIPTS 3 OF 3, Pages 5 and 10].

IAB NOTE: Deputy [redacted] told IAB investigators while he detained the suspect, "Cover is available but at that, at that

moment when I came around, yeah, I was open." [[redacted] INTERVIEW TRANSCRIPTS 3 OF 3, Page 11].

He observed the suspect stop running in the parking lot and detained him at gunpoint facing southwest from a distance of roughly seven feet.

Deputy [redacted] held the suspect at gunpoint as Deputy Cuevas arrived on-scene within approximately five seconds [[redacted] **INTERVIEW TRANSCRIPTS 3 OF 3, Pages 7**]. Deputy [redacted] said he was uncertain which direction Deputy Cuevas arrived on-scene him as both detained the suspect at gunpoint [[redacted] **INTERVIEW TRANSCRIPTS 1 OF 2, Pages 17-20**].

Deputy [redacted] stated the suspect began complying when he ordered him to get on the ground. As the suspect positioned himself onto his stomach, Deputies [redacted] and Cuevas moved in to contact him. Deputy Cuevas placed his hands on the suspect's shoulders and moved them down his elbows.

The suspect immediately attempted to get up by leaning toward his left and pushing his hands from the ground. While Deputy [redacted] was positioned the on suspect's right side and fearing the suspect was attempting to retrieve a firearm on his person, he delivered two right knee strikes to the suspect's abdominal area.

The suspect continued to attempt to get up by pushing his hands into the ground, as though he was trying to create space to retrieve a weapon from his waistband. The suspect began flailing his arms and legs.

Deputy [redacted] then delivered two right knee strikes to the suspect's abdominal area. However, the suspect continued to ignore Deputy [redacted] commands and remained resistive by flailing his arms and kicking his legs. Deputy Cuevas broadcasted emergent radio traffic to update responding units of his location.

Since his previous knee strikes were ineffective, Deputy [redacted] delivered three additional right knee strikes to the suspect's abdominal area in an effort to gain his compliance.

Within seconds of Deputy Cuevas' updated broadcast, Deputies Garcia and [redacted] arrived on-scene. Due to his focus on controlling the suspect's abdominal area, Deputy [redacted] was uncertain of Deputy Garcia's and Deputy [redacted] initial actions. However, Deputy [redacted] said Deputies Cuevas and [redacted] handcuffed the suspect who resisted their efforts by flailing his arms.

Immediately after being handcuffed, the suspect stopped resisting. An unknown deputy on-scene searched the suspect and did not locate a weapon on his person. Deputy [redacted] directed units on-scene to conduct an article search for

the suspect's firearm in the area he traversed prior to his arrest. A firearm was not recovered.

Deputy [redacted] reported the force he used and witnesses to the on-scene supervisor, Sergeant [redacted] Deputy [redacted] authored an incident report detailing his involvement and observations.

INVOLVED EMPLOYEE DEPUTY MIGUEL GARCIA

On April 4, 2019, Deputy Garcia was interviewed by IAB Sergeants Steven Johnson and Calvin Mah. He was interviewed with his representative, Attorney Mitchell Kander. The interview was conducted at the IAB Office in the city of Commerce.

Deputy Garcia worked PM shift October 24, 2018, Unit 285D, as a patrol [redacted] with his [redacted], Deputy [redacted] Deputy Garcia heard emergent radio traffic broadcasted that Unit 284D was involved in a fight with an armed suspect at Rosecrans Avenue and Pearl Avenue.

When he responded to the location with Deputy [redacted], Deputy Garcia saw the suspect was face down on the ground, thrashing his legs. Deputy [redacted] was attempting to get control of the suspect's legs while Deputy Cuevas was attempting to control the suspect's upper torso.

> **IAB NOTE: Deputy Garcia viewed a Google map of the area [EXHIBIT F], provided by IAB investigators, and utilized shapes and symbols to indicate significant locations during the incident.**

Deputy Garcia grabbed hold of the suspect's right arm as Deputy [redacted] grabbed hold of the suspect's left arm. Deputy [redacted] stated in a fearful tone, "I can't see his (the suspect's) hands." **[GARCIA INTERVIEW TRANSCRIPT, Page 4]**.

Deputy Garcia shouted multiple commands for the suspect stop fighting to no avail. Deputy Garcia placed his hands on the suspect's right torso to "pin" him into the ground and then punched the right side of the suspect's face twice with his right hand. Deputy Garcia believed the suspect was actively trying to reach for his waistband to retrieve a firearm by utilizing a push-up maneuver and to create space between his body and the ground.

In response, Deputy Garcia used his right hand and punched the suspect once near his left eye and once on the back of his head. Deputy Garcia opted not to utilize his impact weapons on the suspect for fear of striking his partners.
As the suspect continued to reach for his waistband, Deputy Garcia delivered three right elbow strikes to the suspect's shoulders and the back of his head.

The elbow strikes appeared effective since the suspect ceased his efforts to get up from the ground.

Deputy Garcia saw Deputy [redacted] gain control of the suspect's left arm as Deputy Cuevas gained control of his right arm. Deputy [redacted] successfully handcuffed both wrists of the suspect. Deputy Garcia estimated the duration of his involvement was 45 seconds.

Deputy Garcia searched the suspect's entire person but did not locate a firearm. Deputy Garcia reported the force he used and witnesses to the on-scene supervisor, Sergeant [redacted]

Deputy Garcia authored a supplemental report detailing his involvement and observations during the incident.

INVOLVED EMPLOYEE DEPUTY LEONEL [redacted]

Since his focus was drawn toward handcuffing the suspect, Deputy Cuevas did not see the actions of Deputy [redacted].

On April 8, 2019, Deputy [redacted] was interviewed by IAB Sergeants Steven Johnson and Calvin Mah. He was interviewed with his representative, Attorney Mitchell Kander. The interview was conducted at the IAB Office in the city of Commerce.

Deputy [redacted] worked PM shift October 24, 2018, Unit 285D as a patrol [redacted] with his [redacted], Deputy Garcia. Deputy Garcia heard emergent radio traffic broadcasted that Unit 284D was involved in a fight with an armed suspect at Rosecrans Avenue and Pearl Avenue.

When he responded to the location with Deputy Garcia, Deputy [redacted] saw the suspect was laying on the ground, flailing his body. Deputies Cuevas and [redacted] were also on the ground with the suspect struggling to get control of his hands and upper torso with their hands. Deputy [redacted] exited his patrol vehicle with Deputy Garcia and together, they approached the incident. Deputy [redacted] heard a deputy on-scene state that he could not see the suspect's hands.

> **IAB NOTE: Deputy [redacted] viewed a Google map of the area [EXHIBIT F], provided by IAB investigators, and utilized shapes and symbols to indicate significant locations during the incident.**

Deputy [redacted] grabbed hold of the suspect's left hand which the suspect tucked underneath his waistband. The suspect tried to stand up by bracing his left hand against the ground. To counter this attempt, Deputy [redacted]

grabbed hold of the suspect's left bicep and left wrist and pulled it from underneath the suspect's body. Deputy [redacted] technique caused the suspect to fall back to the ground.

Deputies [redacted], Garcia, Cuevas, and [redacted] all gave the suspect commands to stop fighting. Ignoring the deputies' commands, the suspect continued to reach for his waistband. Deputy Garcia then punched the suspect's face twice.

Deputy [redacted] again gained control of the suspect's left arm by pulling it from underneath his body. Deputy [redacted] saw Deputy Cuevas handcuff the suspect's right hand. After Deputy [redacted] placed the suspect's left hand on the small of his back, Deputy Cuevas successfully handcuffed it, without incident.

Deputy [redacted] saw the suspect thrash his legs as Deputy [redacted] applied a hobble restraint to his legs. Once hobbled and handcuffed, the suspect stopped resisting.

Deputy [redacted] reported the force he used and witnesses to the on-scene supervisor, Sergeant [redacted] Deputy [redacted] authored a supplemental report detailing his involvement and observations during the incident.

INVOLVED EMPLOYEE DEPUTY [redacted]

On May 18, 2019, Deputy [redacted] was interviewed by IAB Sergeants Steven Johnson and Chastity Phillians, #[redacted] He was interviewed with his representative, Attorney Steven Welch. The interview was conducted at the IAB Office in the city of Commerce.

While working at Compton Station during PM shift on October 24, 2018, Deputy [redacted] heard an emergent radio broadcast that Unit 284D was involved in a fight with an armed suspect at Rosecrans Avenue and Pearl Avenue. He immediately responded to the location with Deputy Benzor.

When he arrived on-scene, Deputy [redacted] saw several unknown deputies using their hands to hold down the suspect, who was on the ground. The suspect actively resisted by kicking his legs as he lay face down. The suspect did not comply when ordered by personnel on-scene to stop fighting.

> **IAB NOTE: Deputy [redacted] viewed a Google map of the area [EXHIBIT F], provided by IAB investigators, and utilized letters and symbols to indicate significant locations during the incident.**

Deputy [redacted] stated that as deputies attempted to handcuff the suspect, he gave him commands to stop kicking and/or moving. Deputy [redacted] then used his hands to hold the lower portion of one of the suspect's legs. Deputy [redacted] was holding the suspect's other leg with her hands.

Unknown deputies successfully handcuffed the suspect who continued to kick his legs. Despite the suspect's kicking, Deputy [redacted] successfully applied a hobble restraint to his legs.

IAB NOTE: During the date of the incident, Deputy [redacted] was predominantly assigned to AM shift and had been a patrol [redacted] at Compton Station for approximately [redacted].

Deputy [redacted] reported the force he used and witnesses to the on-scene supervisor, Sergeant [redacted] Deputy [redacted] authored a supplemental report detailing his involvement and observations during the incident.

INVOLVED EMPLOYEE DEPUTY [redacted]

On April 4, 2019, Deputy [redacted] was interviewed by IAB Sergeants Steven Johnson and Calvin Mah. She was interviewed with her representative, Attorney Mitchell Kander. The interview was conducted at the IAB Office in the city of Commerce.

While working in a single-person patrol vehicle (Unit 283T1) PM shift on October 24, 2018, Deputy [redacted] heard an emergent radio broadcast on the duplex patch that Unit 284D was involved in a fight with a suspect near Rosecrans Avenue and Chester Avenue. She immediately responded to the location.

Upon arrival on-scene, Deputy [redacted] saw several unknown deputies kneeled to the ground attempting to control the upper torso of the suspect. The suspect was laying face down on the ground while flailing his body and kicking his feet.

IAB NOTE: Deputy [redacted] viewed a Google map of the area [EXHIBIT F], provided by IAB investigators, and utilized shapes and symbols to indicate significant locations during the incident.

Deputy [redacted] stated she and the deputies on-scene gave the suspect multiple commands to stop fighting and resisting; the suspect would not comply. Deputy [redacted] grabbed hold of the suspect's left leg, near his calf, to prevent him from kicking. The suspect stopped resisting and fighting once he was secured in handcuffs and secured with the hobble, which was applied by Deputy [redacted]

Deputy [redacted] reported the force he used and witnesses to the on-scene supervisor, Sergeant [redacted] Deputy [redacted] authored a supplemental report detailing her involvement and observations during the incident.

SUSPECT ANGEL MAGDALENO

On October 25, 2018 at 0250 hours, IAB investigators responded to CRDF to interview the suspect, **[EXHIBIT C]**. He was extremely hesitant to discuss his arrest and responded unintelligibly to most of the IAB interviewers' questions.

IAB NOTE: During his interview with IAB investigators, the suspect stated he broke his jaw three or four weeks prior to the use of force incident on October 24, 2018. He refused to provide details about how he sustained the broken jaw.

The suspect told IAB investigators he, "Smoked a little weed (or marijuana)," prior to the altercation **[MAGDALENO INTERVIEW TRANSCRIPT, Page 4]**. He refused say when or how much marijuana he used.

The suspect said he ran, "not even a block," from deputies because he had a warrant. He stopped running when got tired **[MAGDALENO INTERVIEW TRANSCRIPT, Page 7]**.

He stated five deputies contacted him and instructed him to put his hands behind his back. However, the suspect said he was unable to comply because he utilized his hands to block his face from the deputies' punches.

The suspect complained of soreness to his face and a headache.
Suspect Rivera stated he did not have a history of mental illness. He refused to discuss the incident any further.

EMPLOYEE WITNESS DEPUTY ROGELIO BENZOR

On March 29, 2019, Deputy Benzor was interviewed by IAB Sergeants Steven Johnson and Andy Ruiz, #[redacted] He was interviewed with his representative, Attorney Tom Yu. The interview was conducted at the IAB Office in the city of Commerce.

While at working as Unit 287D1 PM shift on October 24, 2018, Deputy Benzor heard an emergent radio broadcast that an armed suspect fled from Unit 284D. An updated location was then broadcasted that the unit was at the northwest corner of Rosecrans Avenue and Pearl Avenue.

Deputy Benzor immediately responded to the location but could not remember whether he responded to the location alone or with a partner.

IAB NOTE: The PM In-Service, dated October 24, 2018, listed Unit 287D1 as a single person patrol vehicle.

IAB NOTE: Deputy Benzor viewed a Google map of the area [EXHIBIT F], provided by IAB investigators, and utilized shapes and symbols to indicate significant locations during the incident.

When he arrived on-scene, Deputy Benzor saw Deputy Cuevas and several unknown deputies restraining a resistive suspect to the ground in an effort to handcuff him. Deputy Benzor was unable to see the specific actions of the suspect since his view was obstructed by the involved personnel.

IAB NOTE: Deputy Benzor told IAB investigators he saw unknown deputies, "Attempting to place the suspect's hands behind his back." When asked if the suspect resisted deputies' efforts to place his hands behind his back, Deputy Benzor stated, "Yes." Deputy Benzor told IAB investigators, "I truly don't remember what he (the suspect) was doing," [BENZOR INTERVIEW TRANSCRIPT, Page 7, 8, and 10].

IAB NOTE: Deputy Benzor told IAB investigators, "I didn't see any force," [BENZOR INTERVIEW TRANSCRIPT, Page 13].

Deputy Benzor diverted his attention toward Deputy Cuevas who was on the ground approximately three to four feet away from the suspect. Deputy Cuevas appeared to have difficulty getting up from the ground. It appeared as though Deputy Cuevas had just been in a struggle with the suspect. Deputy Benzor assisted Deputy Cuevas to his feet and checked on his well-being.

When Deputy Benzor looked back toward the suspect, he saw the suspect was handcuffed. Deputy Benzor reported the force he witnessed to the on-scene supervisor, Sergeant [redacted] and authored a supplemental report, EXHIBIT A, detailing his involvement and observations during the incident.

EMPLOYEE WITNESS SERGEANT [redacted]

On April 3, 2019, Sergeant [redacted] was interviewed by IAB Sergeants Steven Johnson and Robert Jones. He was interviewed with his Professional Peace Officers Association (PPOA) representative, Teresa O'Neil. The interview was conducted at the IAB Office in the city of Commerce.

While working Compton station as the PM shift field sergeant (Unit 280S), Sergeant [redacted] heard an emergent radio broadcast from Unit 284D, which stated they were in a foot pursuit of an armed suspect, which led immediately into a

containment. The broadcast was quickly updated and stated Unit 284D was involved in a second foot pursuit and/or fight with a suspect, at 809 E. Rosecrans Avenue, Compton.

Sergeant [redacted] arrived on-scene and assumed command and control of the incident. Sergeant [redacted] saw the non-resistive suspect handcuffed and hobbled, laying on the ground near deputies.

After ensuring there were no outstanding suspects and no deputies were injured or unaccounted for, Sergeant [redacted] ensured the suspect was treated by paramedic personnel on-scene.
Sergeant [redacted] directed personnel to conduct an article search for the suspect's firearm. A firearm was not recovered.

Sergeant [redacted] also conducted a debriefing of the incident with all responding personnel. During the debriefing, he highlighted the importance of radio discipline when a primary unit is transmitting emergent radio traffic.

Sergeant [redacted] notified Lieutenant John Rewald, #[redacted] the PM shift watch commander who interviewed the suspect. The suspect was then taken to a hospital where he received further medical treatment. When Sergeant [redacted] discovered the suspect sustained an eye socket fracture, as a result of the incident, he immediately notified IAB.

IAB NOTE: **Sergeant [redacted] received an additional diagnosis from medical personnel at Lakewood Regional Medical Center that the suspect had a pre-existing injury (mandibular or jaw fracture).**

Sergeant [redacted] authored a supplemental report detailing his involvement and observations during the incident.